

## **REMARKS/ARGUMENTS**

The applicants acknowledge, with thanks, the Office Action dated September 19, 2008.

Claims 1-37 were previously canceled and claims 39, 40, 43 and 44 have been canceled herein. Accordingly, claims 38, 41, and 42 are currently pending.

It is respectfully submitted that the amendments to independent claims 38 and 42 present no new matter. As an example, the elements in claim 38 of at least one additional digital camera having a lens, means adapted for securing, means adapted for obscuring, means adapted for enabling, means adapted for acquiring a digital image, and means adapted for storing an acquired digital image were presented earlier in the Amendment of June 16, 2008 by way of dependent claim 39 without objection by the Examiner. Essentially, the features of claim 39 have been added to independent claim 38 in the instant amendment. In addition, the elements in amended claim 38 of means adapted for receiving user identification data of a user via the data input device, and means adapted for selecting the digital visual content in accordance with received user identification data is not new matter as these were presented earlier in the Amendment of June 16, 2008 by way of dependent claim 40.

Further, the feature of the means adapted for selecting the digital visual content in accordance with received user identification data so as to include at least one of informational data and advertising data directed to the user is not new matter as it is disclosed in the original specification such as at page 11, lines 13-19 for example.

Reconsideration of this application as amended is respectfully requested.

### **The Non Art Matters**

Claims 39-41, 43, and 44 were objected to in the Office Action of September 19, 2008 as being of improper dependent form. However, the Examiner for purposes of the art rejections considered claims 39-41, 43, and 44 as being dependent on the formerly newly presented independent claim 38.

Applicants have canceled claims 39, 40, 43, and 44 herein. In addition, applicants have tendered an amendment to claim 41 to correct the informalities objected to by the Examiner. Claim 41 as amended above depends from independent claim 38.

Accordingly, it is respectfully submitted that all claims are in proper dependent form.

### **The Art Matters**

Claims 38 and 41-42 were rejected to in the Office Action of September 19, 2008 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,389,914 to Enright et al. (*hereinafter*, "Enright"). Claims 39 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Enright in view of U.S. Patent Publication No. 2004/0164141 to Egami et al. (*hereinafter*, "Egami"). Claims 40 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Enright in view of U.S. Patent No. 5,915,246 to Patterson et al. (*hereinafter*, "Patterson"). In view of the amendments and arguments set forth below, it is submitted that all pending claims are patentably distinct over the art of record.

Independent claims 38 and 42 as currently amended recite a fraud identification and recovery system and method, respectively, wherein means are provided in the system and a step is included in the method for selecting digital visual content in accordance with received user identification data so as to include at least one of informational data and advertising data directed to the user. The cited references of record taken alone or in combination lack at least this feature and are therefore incapable of obtaining the several advantages and benefits resulting therefrom. One advantage of selecting the displayed digital visual content in accordance with the received user identification data so as to include at least one of informational data and advertising data directed to the user, for example, is to solicit the attention of the user so that optimized images of the user may be obtained. Essentially, the digital content data is targeted to a particular user so as to effectively solicit their attention to facilitate their image capture.

As described in the specification such as at page 5, lines 26-28, targeted advertising or personal information is more effective in securing the attention of the user so that the user may turn to the targeted advertisement thereby turning or tilting his or her head towards the advertisement and camera so that high quality frontal and other images of the user may be obtained.

By contrast, Enright teaches a basic automated banking machine which is operative to receive checks and dispense cash to users and to passively capture images of the users and of the received checks. As described in Enright at column 4, beginning at line 59 for example, the system includes an automated banking machine which is configured to carry out transactions by

performing several transaction functions. At least one camera is positioned adjacent to the automated banking machine. The camera operates to produce camera signals which represent images within a field of view of the camera. The system further includes a computer in operative connection with a data store. The computer includes a server operating in connection with the computer. In some embodiments of the system of Enright the server may be resident and a part of the computer within the automated banking machine. In other embodiments of the system of Enright the server may reside in a location adjacent to or disposed from the automated banking machine. The computer is in operative connection with the machine and the camera. The computer operates in accordance with programmed instructions to include image data corresponding to the camera signals in the data store. The image data is stored in response to the machine carrying out transaction functions.

Thus, nowhere in Enright is there a teaching or suggestion of selecting digital visual content in accordance with received user identification data so as to include at least one of informational data and advertising data directed to the user. Enright does not recognize at all a desire or need to secure the attention of the user so that the user may turn to the targeted advertisement thereby turning or tilting his or her head towards the advertisement and camera so that high quality frontal and other images of the user may be obtained. Rather, the system of Enright simply passively captures images within a field of view of the camera.

The aforementioned deficiencies in Enright are not remedied by any teachings of either Egami or Patterson taken alone or in combination. Egami teaches a simple automatic teller machine and a bill unit with a built-in camera. It particularly relates to an automatic teller machine and bill unit with a built-in camera able to monitor the state of motion of the hand of a customer. The system taught there is configured to enable use of the built-in camera to monitor the motion of the hand of a customer when the customer withdraws or deposits money. Patterson teaches a self-service automated teller machine including in one embodiment a thermal imaging sensor arranged to sense the presence of a queue of people adjacent the machine. Targeted advertising is provided during delays associated with authorizing and acting upon a user's instructions. However, no means for capturing images of users are disclosed or described in Patterson.

For reasons set forth above it is respectfully submitted that neither Enright, Egami, nor Patterson, when taken alone or in combination, teach or suggest the subject matter recited in independent claims 38 and 42 as amended herein. Thus, it is respectfully submitted that all pending claims are novel, patentably distinct, and unobvious over the art of record including Enright, Egami, and Patterson taken alone and in combination.

In accordance with the afore-noted amendments and comments, it is submitted that all claims are patentably distinct over the art, and in condition for allowance thereover. An early allowance of all claims is respectfully requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No.72793/00015.

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Respectfully submitted,



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